N THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CIVIL WRIT PETITION NO. 20055 OF 2005

DATE OF DECISION: SEPTEMBER 25, 2006

Parties Name

Yogesh Bus Service Registered, Jalandhar

..PETITIONER

VERSUS

State Transport Appellate Tribunal, Punjab, and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH
HON'BLE MR. JUSTICE PRITAM PAL

PRESENT: Mr. Baldev Kapoor,
Advocate, for the petitioner.

Mr. B.S.Sewak, D.A.G., Punjab;

JASBIR SINGH, J. (oral)

Order.

This writ petition has been filed with a prayer to issue a writ of certiorari to modify the order dated August 25, 2005 (Annxure P-4), passed by respondent No. 1. Facts are not in dispute. Petitioner along with others filed an application for grant of stage carriage permit on Jalandhar to Adampur route. The authorities had invited applications for grant of four stage carriage permits with 16 return trips on that route. All the applications were dismissed and the Secretary, Transport, was directed to reconduct survey of the route and submit report so that applications can be invited afresh. Petitioner, feeling aggrieved, filed an appeal, which was allowed vide order under challenge. The petitioner is aggrieved only against that portion of the judgment, under challenge, vide which Regional Transport Authority, respondent No. 3 has been directed to consider all applications

and pass a speaking order afresh. To say that no permit can be granted to those applicants, who had failed to file appeal, counsel for the petitioner has placed reliance upon a judgment of the Hon'ble Supreme Court in Cumbum Roadways(P) Ltd., Madurai and others v. I. Somu Transport (P) Ltd. And others, AIR 1966 Supreme Court 1366 and also judgments of this Court in M/s Mohali Bus Service Regd. v. State Transport Appellate Tribunal, AIR 1992 Punjab and Haryana 162, and in Majhi Motors (Regd.) Patiala v. State Transport Appellate Tribunal, Punjab, and others, (C.W.P. No. 3613 of 2005), rendered on July 13, 2006. Counsel for the respondents – State has failed to show anything to the contrary.

In view of the ratio of the judgments, referred to above, this writ petition is disposed of and the order, passed by respondent No. 1 is modified to the extent that application of the petitioner alone will be considered and those applicants, who have failed to file appeal, they will have no claim for grant of permit. With these modifications, this writ petition stands disposed of.

(Jasbir Singh)
Judge

(Pritam Pal)
Judge

September 25, 2006.
DKC